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6 *Counsel for Haskins*

7 **IN THE UNITED STATES DISTRICT COURT**
8
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10
11 **OAKLAND DIVISION**

12 RICHARD E. HASKINS, *et al.*,

13 *Plaintiffs,*

14 v.

15 CHEROKEE GRAND AVENUE LLC, *et al.*,

16 *Defendants.*

Case No. CV 11-05142-YGR

DECLARATION OF MICHAEL W. KISGEN
IN SUPPORT OF HASKINS' MOTION FOR
LEAVE TO FILE SECOND AMENDED
COMPLAINT

Fed. R. Civ. P. 15(a)(2)

Hearing:
Judge Yvonne Gonzalez Rogers
Courtroom 5, 2nd Floor
February 19, 2013
2:00 p.m.

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19 AND RELATED CROSS ACTIONS.



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1 by me is attached hereto as **EXHIBIT 3**.

2 8. All of Haskins alter ego allegations are based upon either documents produced by Cherokee
3 itself, depositions of the parties affiliated with Cherokee, or information publicly available about
4 Cherokee.

5 9. Counsel for Cherokee requested that Cherokee Investment Partners LLC be removed as an
6 original defendant in this case. A true and correct copy of a letter, dated November 14, 2011, from
7 Cherokee's counsel, Stephen McKae, attached hereto as **EXHIBIT 4**.

8 10. Everett Harry's expert report regarding alter ego is almost exclusively based upon the facts
9 gleaned from Cherokee's recent document productions and depositions.

10
11 I declare under the penalty of perjury under the laws of the United States that the foregoing is true
12 and correct and that this declaration was executed by me on January 14, 2013, in Contra Costa County,
13 California.

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15 */s/ Michael W. Kisgen*

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Michael W. Kisgen
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